

**State of Michigan
Department of Environmental Quality
Waste and Hazardous Materials Division
Background Information Concerning Draft Redesignation Approval for
Wayne Disposal, Inc. (WDI), Arkona Road Landfill, Milan
MID 000 718 726**

WDI has submitted a petition to delist hazardous waste leachate at their landfill facility located at 5400 Arkona Road, Milan, Michigan, pursuant to the Director of the Department of Environmental Quality's (DEQ's) authority under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), and consistent with the delegation of this authority from the United States Environmental Protection Agency (USEPA). The Director's authority is further delegated to the Chief of the Waste and Hazardous Materials Division (WHMD) by the Director in accordance with Delegation Letter No. WMD-111-02, dated November 30, 1999, which was transferred to the WHMD by Delegation Letter No. WHMD-01, dated September 15, 2002.

WDI, Arkona Road Landfill Facility Description

The Arkona Road Landfill is a closed solid waste landfill that was certified closed in June 1995 under the provisions of Part 111. The landfill was operated from April 1973 through March 1979 by Murphy-Bevel and Associates. Michigan Disposal, Inc., also operated the landfill beginning in late 1974. The landfill received both municipal and industrial wastes. Current activities are limited to postclosure care of the facility, including leachate management, storm water management, groundwater monitoring, and general maintenance. Water that percolates through the landfill is known as leachate and must be removed.

WDI disposed of listed hazardous waste wastewater treatment sludges and solid wastes in an approximately 38-acre landfill. The leachate became classified as hazardous waste when listed hazardous waste was disposed of in the active cell. The listed hazardous wastes contained some metals (e.g., arsenic, barium, copper, cobalt, nickel, silver, lead, zinc, chromium, copper, and cadmium) and cyanide from electroplating sludges. Because listed hazardous waste was disposed of in the cell, the leachate is, by definition, hazardous waste.

The landfill cell that received the hazardous waste has been closed. The DEQ, Remediation and Redevelopment Division, has overseen capping and ongoing operations and maintenance work at the facility pursuant to a Remedial Action Plan under Part 201, Environmental Remediation, of Act 451. Although this landfill cell is closed, hazardous waste leachate is currently being pumped out of the landfill and stored in a 100,000-gallon storage tank and then trucked off site for treatment and disposal. WDI submitted the delisting petition for leachate generated at the facility. The leachate would remain a hazardous waste, unless delisted, due to the mixture rule.

The mixture rule states that a waste is a hazardous waste if it is a mixture of a waste and one or more hazardous wastes that are listed under Part 111 of Act 451, which are not excluded from regulation. WDI is pursuing delisting because they believe the leachate generated from the landfill does not exhibit any characteristics of hazardous waste as defined under Part 111 of Act 451, nor does it contain the constituents of concern at levels for which the hazardous waste listing was developed.

Redesignation Process

Redesignation (delisting) is a process under state and federal law that allows a facility generating a listed hazardous waste to demonstrate that a specific waste does not contain contaminants at levels of concern.

In June 1991 the DEQ received partial delisting authorization to review and approve cleanup and closure delistings in lieu of a USEPA action. The current Part 111 administrative rules authorize the DEQ to issue these delistings (or redesignations as referenced in R 299.9211 of the Part 111 Rules). The Director must make a tentative decision to grant or deny the petition, public notice that tentative decision, and provide a 30-day public comment period. After evaluating all of the public comments, the Director may grant the delisting if all the delisting criteria have been met.

WDI Delisting Petition

WDI submitted a delisting petition on March 21, 2005. The petition has been reviewed and found to meet all of the delisting criteria identified in Part 111 and the Part 111 Rules. The delisting criteria require that the DEQ evaluate the composition of the waste; the process that produced the waste; a description of the sampling and analytical criteria used to evaluate the waste; the amount of waste that is included in the delisting request; qualification statements of the persons involved in preparing the petition; a certification statement from the generator of the waste stating that all information is true, accurate, and complete; and a demonstration that the waste does not meet any other criteria for being a hazardous waste (other than the fact that the original source of the contaminants is listed).

The DEQ's review finds that the waste can be safely managed as liquid industrial waste.